

NATIONAL RECOVERY ADMINISTRATION

AMENDMENTS TO
CODE OF FAIR COMPETITION
FOR THE
GASOLINE PUMP
MANUFACTURING INDUSTRY

AS APPROVED ON DECEMBER 21, 1933

BY

PRESIDENT ROOSEVELT



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EXECUTIVE ORDER

AMENDMENT TO THE CODE OF FAIR COMPETITION FOR THE GASOLINE PUMP MANUFACTURING INDUSTRY

An application having been duly made by the Executive Committee of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry under date of October 18, 1933, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to article X of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry, approved by me in my Executive order of September 18, 1933, for my approval of modifications of said code of fair competition proposed in said application, and full hearings having been held thereon and the Administrator, under date of December 9, 1933, having rendered his report on the hearing held in Washington, D.C., on November 7, 1933, together with his recommendations and findings with respect thereto, and the Administrator having found as set forth in said report that the said modifications comply in all respects with the pertinent provisions of title I of said act and that the requirements of clauses 1 and 2 of subsection (a) of section 3 of said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that said modifications of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry be, and they hereby are approved and made a part of said code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 21, 1933.

DECEMBER 9, 1933.

The PRESIDENT,
The White House.

This is a report on a hearing of the modification of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry held in Washington, D.C., on November 7, 1933, submitted by the Executive Committee of the Gasoline Pump Manufacturing Industry in accordance with Article X of said Code approved by you in your Executive Order of September 18, 1933. Application was made to this office under date of October 18, 1933, by the Planning and Fair Practice Agency for the administration of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry for modification of Articles VI and IX of said Code, since the operation of the Code had demonstrated the fact that these provisions as originally drafted did not adequately regulate the actions of the members of the Industry in their effort to cooperate with the Administration toward the stabilization of their Industry.

These provisions do not in any way affect the Wage and Hour provisions of the Code or the number of workers employed, and it may be said in summary that their specified purpose is further to stabilize an Industry where unfair competition may be exceedingly detrimental to the continued successful operation of the legitimate manufacturers.

The Administration finds that:

(a) The Code as amended complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including without limitation, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(b) The applicant group imposes no inequitable restrictions on admission to membership therein, and are truly representative of their industry.

(c) The provisions of the Code as amended are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Clauses one and two of the National Industrial Recovery Act.

It is recommended, therefore, that the modification to this Code be adopted immediately.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GASOLINE PUMP MANUFACTURING INDUSTRY

1. Subsection 4 (c), Article VI of the Code of Fair Competition for the Gasoline Pump Manufacturing Industry shall be and hereby is amended by deleting the words "f.o.b. factory" in the sixth line and the words "charges prepaid" in the seventh line and further by deleting the last sentence of said Subsection as follows: "The manufacturer's liability for damages caused by any such defective parts shall be limited to such repair or replacement and in no event shall the manufacturer be liable for indirect or consequential damage", so that said Subsection as amended shall read:

"The following standard guarantee: The manufacturer guarantees all parts of the equipment shipped under this agreement for one year and no more from date of invoice thereof, against defective material or workmanship (but not against damage caused by accident, abuse, or faulty installation) when the equipment is installed in accordance with the manufacturer's specifications, and will repair or replace free of charge all such defective parts if returned to the factory."

2. Section (c), Article IX of said code shall be and hereby is amended by adding thereto after the words "as above provided" the following: "except to purchasers with whom other members of the industry have legally binding contracts, made prior to the effective date of this code, during the term of any such contract; provided, however, that this exception shall be limited to the products specified herein, and to the requirements of any such purchaser in excess of the quantity or percentage of requirements so specified during the term of said contract and provided, further, that any member of the industry may meet but shall not exceed such contract prices, discounts and terms of payment" so that said Section is hereby amended to read:

"No manufacturer in the Industry shall sell any product of the Industry at prices lower or discounts greater or on more favorable terms of payment than the approved schedule of such manufacturer on file at the office of the Executive Committee as above provided, except to purchasers with whom other members of the Industry have legally binding contracts, made prior to the effective date of this code, during the term of any such contract; provided, however, that this exception shall be limited to the products specified herein, and to the requirements of any such purchaser in excess of the quantity or percentage of requirements so specified during the term of said contract, and provided further that any member of the Industry may meet but shall not exceed such contract prices, discounts and terms of payment".

3. Article IX of said code shall be and hereby is amended by adding thereto a new section to be designated Section (e) as follows:

" Any member of the Industry may enter into an agreement with a jobber or distributor by which such jobber or distributor may agree that he will sell the products purchased from such manufacturer at not less than the prices contained in the published price schedules of such manufacturer in effect at the time of any such sale".

4. Article IX of said code shall be and hereby is amended by adding thereto a new section to be designated Section (f) as follows:

" Each member of the industry shall file with the Executive Committee within five days after the effective date of this amendment, and from time to time thereafter, but not oftener than once every thirty days, a list of discontinued lines, or obsolete or surplus stocks, of products which such member is willing to sell below the prices noted in the price lists or on more favorable terms and conditions of sale than the terms and conditions of sale previously filed by such member with the Executive Committee in accordance with the provisions of paragraph (b) of this Article IX, and in effect at the time of the filing of such list, and the prices at which, or the terms and conditions of sale in accordance with which, such member is willing to sell the same or any part thereof, which list shall contain such information as to the quantity, size, weight, etc., of the products therein as the Executive Committee may deem necessary. Before any sales of any such products shall be made by any member of the industry, the list, prices, and terms and conditions of sale so filed shall first be approved by the Executive Committee. When all of any class of products noted on any such list shall have been sold the member of the industry filing such list shall notify the Executive Committee to that effect. The foregoing provisions of this paragraph (f) of Article IX shall at all times be subject to modification or disapproval by the Administrator."

5. These amendments shall become effective on the third day after their approval by the President.

Approved Code No. 26—Amendment No. 1.
Registry No. 1326-01.

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